



1 1 FEB 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

00530

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK  
600 South Avenue West  
Westfield, NJ 07090

In re Application of :  
HASSANIEN *et al* :  
U.S. Application No.: 10/540,955 :  
PCT No.: PCT/EG03/00014 :  
Int. Filing Date: 27 December 2003 :  
Priority Date: 28 December 2002 :  
Attorney Docket No.: DAVIDK 3.3-011 :  
For: DISPOSABLE DEVICE FOR MULTI- :  
LITIGATION OF BLEEDING :  
ESOPHAGEAL VARICES :

**DECISION**

This decision is in response to the papers filed 13 March 2006 which are treated under 37 CFR 1.181. No fee is required.

**BACKGROUND**

On 27 June 2005, applicants filed papers to enter the national stage of PCT/EG03/00014 claiming priority to 28 December 2002.

On 03 February 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) indicating that the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements was 27 June 2005. The date of completion of all 35 U.S.C. 371 requirements was recorded as 28 June 2005. A filing receipt indicating a "Filing or 371(c) Date" of 27 June 2005 was also mailed.

On 13 March 2006, applicants submitted the subject petition.

On 01 May 2007, the DO/EO/US mailed a Withdrawal of Previously Sent Notice vacating the papers mailed 03 February 2006. A new Form PCT/DO/EO/903 and filing receipt was also mailed. However, the date of completion of all 35 U.S.C. 371 requirements was recorded again on the Form PCT/DO/EO/903 as 28 June 2005.

**DISCUSSION**

Applicants filed a request on 13 March 2006 to change the date of completion of all 35 U.S.C. 371 requirements on the Form PCT/DO/EO/903 to 28 June 2005. A review of the subject application shows that the international application claimed priority to an Egyptian patent application 2002121401 filed 28 December 2002.

Section 1893.03(b) of the MPEP explains that the date of completion recorded on a Form PCT/DO/EO/903 and states, in part:

The "Date of Completion of all 35 U.S.C. 371 Requirements" included on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903) is relevant for purposes of patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) . . . This date is the **latest** of:

(E) the earlier of **30 months from the priority date** or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date (Form PCT/DO/EO/903 will indicate the date early processing was requested);

Here, applicants did not request early processing upon entering the national stage on 27 June 2005. As such, the "Date of Completion of all 35 U.S.C. 371 Requirements" is thirty months from the priority date of 28 December 2002.

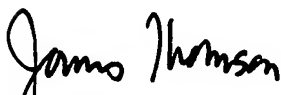
Thus, the date of 28 June 2005 noted on the Form PCT/DO/EO/903 mailed 01 May 2007 is correct.

### **CONCLUSION**

For the reason noted above, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision.

This application is being forwarded to Technology Center 3700 for further processing.



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302